

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 265105

13

ORIGIN EUR-12

INFO OCT-01 EA-06 ISO-00 L-02 SCA-01 PPT-01 RSC-01 /024 R

DRAFTED BY EUR/EE:TEDEAL:FEW

APPROVED BY EUR/EE:CBROWN

EA/J - MR. DEMING (SUBS)

L/M - MR. SHAMWELL

----- 067053

R 032110Z NEC 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

INFO AMEMBASSY PRAGUE

LIMITED OFFICIAL USE STATE 265105

E.O. 11652:N/A

TAGS: CASC, JA, CZ

SUBJECT: PROTECTION OF NATURALIZED U.S. CITIZEN VISITING
CZECHOSLOVAKIA

REF.: TOKYO 15516

1. IN JULY 1973 U.S. AND CZECHOSLOVAKIA SIGNED A CONSULAR CONVENTION WHICH PROVIDES IN AN ACCOMPANYING EXCHANGE OF LETTERS FOR CONSULAR PROTECTION FOR EACH OTHER'S NATIONALS. IT INDICATES THAT THE RECEIVING STATE IS REQUIRED TO ALLOW A CONSULAR OFFICER OF THE SENDING STATE TO RENDER CONSULAR PROTECTION TO ANY PERSON WHO HAS ENTERED THE RECEIVING STATE WITH A VALID PASSPORT OF THE SENDING STATE AND A VALID VISA OF THE RECEIVING STATE. THESE SPECIFIC GUARANTEES OF CONSULAR PROTECTION APPLY EVEN THOUGH THE RECEIVING STATE MAY CONSIDER THE INDIVIDUAL TO BE A NATIONAL OF THAT STATE.

2. THE CZECHOSLOVAK GOVERNMENT HAS RATIFIED THE CONVENTION. U.S. SENATE HAS ALSO APPROVED IT, BUT THE GOVERNMENTS HAVE NOT YET EXCHANGED INSTRUMENTS OF RATIFICATION. THUS CON-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 265105

VENTION NOT YET IN FORCE.

3. WHETHER CZECHOSLOVAK GOVERNMENT STILL CONSIDERS MR. HALOUZKA TO BE A CZECHOSLOVAK NATIONAL DEPENDS ON DATE HE

BECAME NATURALIZED U.S. CITIZEN. UNDER THE TERMS OF A 1928 NATURALIZATION TREATY BETWEEN THE U.S. AND CZECHOSLOVAKIA, CITIZENS OF ONE COUNTRY WHO BECOME NATURALIZED CITIZENS OF THE OTHER AUTOMATICALLY LOSE THEIR ORIGINAL CITIZENSHIP. HOWEVER, CZECHOSLOVAKS CLAIM THAT THIS LOSS OF CITIZENSHIP IS NOT AUTOMATIC FOR CZECHOSLOVAK NATIONALS WHO BECAME AMERICAN CITIZENS DURING THE PERIOD BETWEEN SEPTEMBER 17, 1938 AND MAY 7, 1957, WHEN CZECHOSLOVAKIA WAS TECHNICALLY IN A STATE OF WAR.

4. IT HAS BEEN OUR GENERAL EXPERIENCE THAT THE CZECHOSLOVAK GOVERNMENT HAS NOT PURPOSELY CAUSED DIFFICULTIES FOR FORMER CZECHOSLOVAK NATIONALS VISITING CZECHOSLOVAKIA, PROVIDED THAT THEIR ONLY ILLEGAL ACT WAS EITHER LEAVING THE COUNTRY WITHOUT PERMISSION OR STAYING ABROAD ILLEGALLY. HOWEVER, USG CANNOT GUARANTEE THAT GOC WILL NOT PREFER NEW OR OLD CRIMINAL CHARGES AGAINST HALOUZKA UPON RETURN TO CZECHOSLOVAKIA. ALSO IT SHOULD BE STRESSED THAT RIGHT TO U.S. CONSULAR PROTECTION DOES NOT EXTEND TO ANY FORM OF IMMUNITY FROM JUDICIAL ACTION.

5. IF MR. HALOUZKA DECIDES TO VISIT HIS BROTHER IN CZECHOSLOVAKIA, HE SHOULD BE CERTAIN TO TRAVEL WITH A U.S. PASSPORT IN WHICH A CZECHOSLOVAK VISA HAS BEEN STAMPED.

KISSINGER

LIMITED OFFICIAL USE

NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba2
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE265105
Document Source: CORE
Document Unique ID: 00
Drafter: TEDEAL:FEW
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: D740351-0120
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741271/aaaahhot.tel
Line Count: 96
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: : TOKYO 15516
Review Action: RELEASED, APPROVED
Review Authority: powellba2
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUN 2005
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <31 JUL 2002 by worrelsw, PRIVACY>; RELEASED <24 SEP 2002 by kelleyw0>; APPROVED <24-Sep-2002 by kelleyw0>; WITHDRAWN <13 Jun 2005 by BoyleJA, PRIVACY>; RELEASED <22 JUN 2005 by papenddr>; APPROVED <22 JUN 2005 by powellba2>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971112
Subject: PROTECTION OF NATURALIZED U.S. CITIZEN VISITING CZECHOSLOVAKIA
TAGS: CASC, CZ, JA, (HALOUZKA)
To: TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005